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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,072	03/07/2007	Hiroaki Tooyama	2261.0050000	5611

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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SULLIVAN, MATTHEW J

ART UNIT	PAPER NUMBER
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3677

MAIL DATE	DELIVERY MODE
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04/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,072	<b>Applicant(s)</b> TOOYAMA, HIROAKI	
	<b>Examiner</b> MATTHEW SULLIVAN	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/15/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doornbos, U.S. Patent 6,848,759 (2/1/05 – filed 1/24/03) in view of Coleman, U.S. Patent 5,448,797 (9/12/95).**

Doornbos teaches a buffer comprising a first member (50), a case body (10) relatively movable with respect to the first member, a slider (20) provided in the case body so as to be slidable in a longitudinal direction of the case body, a buffering member (16) rotatably attached to the slider and the buffering member being rotated through abutment with the first member (see figs. 2 and 3). Doornbos does not teach an engagement stepped portion or cam projecting portion for directly or indirectly pressing the case body or a member fixed to the case body and moves along with movement of the first member or the case body while retaining the pressing state caused by the engagement stepped portion or the cam projecting portion so as to buffer relative movement of the first member and the case body. Coleman does teach a cam (38) for indirectly pressing a case body (22, 21) and moves along with movement of a first member (18) while retaining the pressing state caused by the cam portion so as to buffer relative movement of the first member and the case body. At the time of the

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invention it would have been obvious to one of ordinary skill in the art to provide Doornbos with the cam feature of Coleman because such a combination would allow a user to adjust the buffering action of Doornbos with great precision, **[Claim 1]**.

Regarding **Claim 2**, Coleman further teaches the cam fixed to the case body indirectly via a pressing member (42-45).

Regarding **Claim 3**, Coleman teaches the buffering member pressing a brake plate (21) fixed to the case body.

Regarding **Claim 5**, Coleman further teaches a flat abutting surface (44, 45) brought into sliding contact with one side surface of the brake plate is formed on the slider.

Regarding **Claim 6**, Doornbos teaches a rotary damper (26) fixed to the slider, a pinion gear (24) fixed to a rotation axis of the rotary damper (A.sub.24), a rack (14) fixed to the case body and the pinion gear and rack are meshed with each other.

Regarding **Claim 7**, in light of the rejection of **Claim 6** above Doornbos does not explicitly teach the rack fixed to the slider and the rotary damper fixed to the case body. However, a rearrangement of parts is generally considered within the ordinary skill of one in the art barring any unforeseen result so it would be reasonable to rearrange or “swap” the locations of the rack and the damper, *In re Japikse*.

Regarding **Claim 8**, Doornbos teaches an elastic means (32) for moving the slider between the slider and the case body.

Regarding **Claim 9**, Doornbos teaches the buffering member having a retaining recessed portion (67) for retaining the first member and is moved along with movement of the first member via the retaining recessed portion.

**Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doornbos and Coleman as applied to claims 1-3 and 5-9 above, and further in view of Atkinson, U.S. Patent 5,179,134 (12/18/79).**

All the aspects of the instant invention are disclosed above but for the position of the brake plate adjustable in width direction in of the case body. Atkinson teaches an adjustable brake plate (15, 34, 35). At the time of the invention it would have been obvious to one of ordinary skill in the art to provide the combination of Doornbos and Coleman with the features of Atkinson because an adjustable brake plate (relative to the case body) would allow for greater degrees of adjustability in buffering.

**Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doornbos and Coleman as applied to claims 1-3 and 5-9 above, and further in view of Rusiana, U.S. Patent 56,253,417 (7/3/01).**

All the aspects of the instant invention are disclosed above but for the buffering member having a magnet and the first member formed of a magnetic body and the magnetic bodies attract in order to retain the first member. Rusiana does teach a magnetic connection between a sliding member and (46) and case member (39, 40). At the time of the invention it would have been obvious to apply such a coupling to the

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buffering member and first member because a magnetic connection provides a predictable retention force without the possibility of snagging, locking, or catching associated with mechanical couplings.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW SULLIVAN whose telephone number is (571)270-5218. The examiner can normally be reached on Mon-Thurs, 8:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/  
Supervisory Patent Examiner, Art Unit 3677

/MATTHEW SULLIVAN/  
Examiner, Art Unit 3677